

Amendment Under 37 C.F.R. § 1.116
USAN 09/042,666

A7139

REMARKS

In the Office Action of May 30, 2003, the Examiner has indicated the allowance of all claims in this application save claims 29 – 32, which action is much appreciated. The Examiner has maintained an obviousness type double patenting rejection as against the latter set of claims.

Applicants concede that, with respect to claims 31 and 32, the scope of certain claims of the prior patent may be considered to cover the presently requested scope; and specifically that the plural designated waveguides in the prior patent's claims may be readable on the currently claimed single waveguide at least through equivalency.

No such concession is made as to claims 29 and 30. However, in order to expedite prosecution and place the claims in allowable condition, Applicants herewith amend claims 29 – 32 to include patentable subject matter from, for example, claims 1 and 33. Specifically, claims 29 – 32 have now been amended to include the mode converter element for coupling the input light into the OPG. This subject matter has already been found to be a patentable addition with respect to other claims, as already noted, and thus should have the effect of placing these claims in condition for immediate allowance.

Accordingly, favorable action is respectfully requested; should the Examiner find any remaining issues preventing immediate allowance, he is kindly requested to contact the undersigned at the local phone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Respectfully submitted,



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